

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2004\_1622A  
Junji YOSHIDA et al. : **Confirmation No. 4793**  
Serial No. 10/511,903 : Group Art Unit 2437  
Filed October 20, 2004 : Examiner Luu T. Pham  
COMMUNICATION APPARATUS : **Mail Stop: ISSUE FEE**  
AND AUTHENTICATION APPARATUS

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**RESPONSE TO ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicant hereby requests that the Information Disclosure Statement (IDS) and PTO-1449 filed with the Patent Office on September 24, 2009 be completely considered by the Examiner.

In the Notice of Allowance mailed on March 2, 2010 the Examiner indicated that reference "AA" listed on the above-mentioned PTO-1449 was not initialed because reference "AA" is not related to the claimed invention. The Applicant respectfully disagrees with the Examiner's position that reference "AA" should not be initialed because of the level of relevance to the claimed invention.

MPEP §§ 609.01(B)(3)(a) and 609.04(A)(III) state that a statement of relevance is only necessary when a complete translation of the reference is not provided. Further, MPEP § 609.02(A) and (B) discuss situations when a reference should not be considered by an Examiner. Specifically MPEP § 609.02 states that a reference should not be considered only if the requirements of 37 CFR 1.97 and 1.98 are not satisfied.

However, 37 CFR 1.97 and 1.98 do not set forth any level of relevance to the claimed invention requirement in order to have an English reference considered by the Examiner.

Thus, in view of the above, it is respectfully submitted that the level of relevance of a reference is irrelevant in regards to a reference being considered by an Examiner. In other

*The USPTO is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.492, which may be required by this paper to Deposit Account No. 23-0975.*